GOVERNMENT OF MADRAS. Old Secty. II-28, No 7

HELA (1955) Department.

~~Endorsement~~
~~D.O.~~
Memorandum
~~Lodged~~

No. 125521/55-1 Home

Dated 16-12- 1955.

FURTHER PAPERS.

Department.	Number.	Series.	Date.
Criminal Justice - Appeal against acqui Special first class Magistrate Udipi, South Dist- throwing - opinion.			

119977/55 H3

Copy or Letter Opn.No.166/55 dated 16-11-55 from Public Prosecutor, High Court, Madras to the Secretary to Government, Home Department, Madras.

Sub: Criminal Justice - Appeal against acquittal - C.C.195/55, Special First Class Magistrate, Udipi, South Kanara District - Forwarding - Opinion.

Ref: Home Endorsement No.127752 Cte I/55-1 dated 10-11-1955.

With reference to the endorsement quoted above, I give below my opinion in the above matter.

The papers received for reference are are herewith returned.

O P I N I O N.

The acquittal of the accused in this case was also charged for the offence punishable under the Prevention of Food Adulteration Act in erroneous for the reasons that have been given by me in Opinion No.165/55 an appeal against acquittal could be filed.

2. In this case it may be brought to the notice of Government that ~~in~~ as there are a number of cases coming up under the Prevention of Adulteration Act 37/54 (Central) it is as well that the Officers in charge of such prosecutions be informed that the State Government have not yet framed any rules under Sec.24(1) of the Act and that till such rules are framed the rules framed under the Prevention of Adulteration Act will continue to be in force - Vide Sec.25 of the Act. I trust that my view that the State Government of Madras have not yet framed any rules under Sec.24(1) of the Act is correct.

(TRUE COPY)

HELA (173)

32/17/12

Sub:- Act - Prevention of Food Adulteration Act - Issue of rules under Section 24(1) of the Act

12554

Memo No 12554/JJ-III/3 dt 16.12.12

The D.P.H is requested to circulate to all Health Officers and others in charge of prosecutions under the Prevention of Food Adulteration Act that the State Govt have not yet framed any rules under Section 24(1) of the Central Prevention of Food Adulteration Act and that till such rules are framed the rules framed under the Madras Prevention of Food Adulteration Act

(PTO)

27

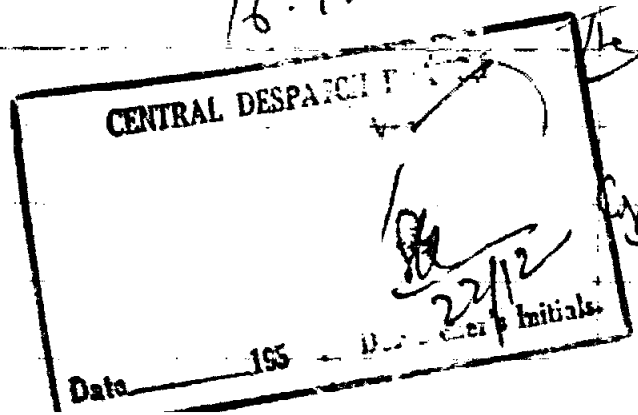
will continue to be in force under sec 25 of the Central Act.

AV

15.12.55

To

16.12.55



Extract from the Note file of Home (Courts I) Department. (C.No.127752/55)

xxx xxx

3. The Public Prosecutor, Madras, who was consulte in the matter has stated, for the reasons given by him in his Opinion No.165/55 (p.13 c.f.) that the discharge of the accused by the Magistrate was erroneous and that a revision could be filed. In para 2 of his opinion on p.12 c.f., the P.P. has suggested for the consideration of the State Govt. the question circularising to all officers in charge of Prosecution the ~~a~~fact that rules under Secs.24(1) and 25 of the Central Act XXXVII/54, have not been framed yet. This question may be considered by the HELA Department.

xxx xxx

5. In the circumstances, no action seems necessary in this case, except approving the action of the Collector of South Kanara and requesting the HELA Dept. to consider the suggestion of the Public Prosecutor, Madras with reference to A on page ~~2 ante~~ above. The Collr. may also be informed that the P.P. Madras is of the view that there is prospect of a successful revision in the case.

(Sd.) L.B.
29.11.55.

HELA.

HELA (H3)

'A' ~~on p.2 ante~~ above: Necessary extracts may be taken by this Department for separate action.

The order below may be perused.

A.V.
5.12.55.

K.G.M.
6.12.55.
Addl. Secretary.

Home.

HELA (H3)

The extracts of the note from the file of the Home Deptt above may be perused. With reference to 'A' above the DPH may be asked to take

necessary action in the matter. Subject to orders, a draft memo is submitted for approval

13.12.55

13.12.55.

15/12/55

16.12.55

ADFLSeq